

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1537 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LEGAL HEIR OF DECD.CHUNILAL D RANA -PRANJIVAN C RANA & 3

Versus

LEGAL HEIR OF DECD.CHHOTUBHAI D RANA -VINODBHAI C RANA & 3

Appearance:

MR RN SHAH for Petitioners

MRS KETTY A MEHTA for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 13/11/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mrs. K.A. Mehta,
learned advocate for the respondents.

2. Heard. Short grievance in this revision application is that the impugned order has been passed by the learned appellate Judge vacating the interim stay of Jangam warrant as well as warrant for possession issued

by the executing Court while keeping the appeal pending. In substance, the order impugned in this petition would have the effect of rendering the appeal meaningless. Hence, in the facts of the case, it would be just and proper to direct the appellate Court to hear the appeal while directing the parties to maintain status-quo with regard to the order passed by the executing Court. Following order is, therefore, passed :-

Impugned order is hereby set aside. The appellate Court is directed to hear the appeal bearing Regular Civil Appeal No. 56 of 1997 pending in the District Court, Valsad at Navsari as expeditiously as possible, preferably within a period of one month from the date of receipt of writ of this direction. There shall be stay of impugned order of Jangam warrant and warrant for possession till the appeal is heard and decided by the appellate Court.

Rule made absolute in aforesaid terms. No order as to costs. D.S.P.

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